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7 HSBC MORTGAGE CORPORATION (USA) AND  
HSBC BANK USA, N.A.

8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN FRANCISCO DIVISION

11 Philip Wong, Frederic Chaussy, and Leslie  
12 Marie Shearn, individually, on behalf of all  
13 others similarly situated, and on behalf of  
the general public,

14 Plaintiffs,

15 v.

16 HSBC Mortgage Corporation (USA);  
HSBC Bank USA, N.A.; and Does 1  
17 through 50, inclusive,

18 Defendants.

Case No. C 07 2446 MMC [ECF]

**DECLARATION OF EVETTE MONTEITH  
IN SUPPORT OF DEFENDANTS'  
OPPOSITION TO PLAINTIFFS' MOTION  
FOR CONDITIONAL CERTIFICATION,  
PRODUCTION OF UPDATED CLASS  
LIST, AND PARTIAL SUMMARY  
JUDGMENT**

Date: February 8, 2008  
Time: 9:00 a.m.  
Courtroom: 7 (19th Floor)  
Judge: Hon. Maxine M. Chesney  
  
Complaint Filed: June 29, 2007 (Amended)  
Trial Date: Not Yet Set

1 I, Evette Monteith, hereby declare and state:

2 1. I have personal knowledge of the facts set forth below. If called as a witness,  
3 I could and would testify to the following:

4 2. I am a senior retail mortgage consultant employed by HSBC Mortgage  
5 Corporation USA ("HSBC Mortgage") in the state of New York. My employer's name "HSBC  
6 Mortgage Corporation USA" appears on my work-related documents, including my business cards.  
7 I have worked for HSBC Mortgage as a mortgage consultant since 2001, and for an additional 3  
8 years before 2001, when the company operated under a different name. I am paid by HSBC  
9 Mortgage on a draw plus commission basis.

10 3. HSBC Mortgage sells mortgages. My job duties include traveling to various  
11 locations to speak with clients, securing and reviewing information regarding clients' income and  
12 assets, determining which mortgage products are appropriate for each client, and making mortgage  
13 sales for HSBC Mortgage. After I take the initial application and meet with the client to explain his  
14 or her mortgage options, I submit the application to HSBC Mortgage's processing department. The  
15 processing department takes it from there and does the paperwork related to the mortgage and  
16 closing.

17 4. Although HSBC Mortgage sells various mortgage products and mortgage  
18 consultants can sell any of them, I focus my business on selling one particular mortgage product.  
19 The mortgage product that I focus on is a Community Reinvestment Act discounted mortgage for  
20 first time home buyers. I work with a lot of clients whose credit is not initially high enough to  
21 qualify for a mortgage. I refer those clients to non-profit organizations for help on improving their  
22 credit, and once they are ready for a mortgage, I sell them the product that best fits their needs.

23 5. I get most of my clients through referrals. A lot of my referrals come from non-  
24 profit organizations and former clients. I get some referrals during seminars on discounted  
25 mortgages that we conduct together with various non-profit organizations. I also get some of my  
26 referrals from various branches of HSBC Bank USA ("HSBC Bank"), which is a client of HSBC  
27 Mortgage. HSBC Bank clients interested in a mortgage contact me directly after looking at HSBC  
28 Mortgage material that is available at the various bank branches. Sometimes I also get calls from

1 HSBC Bank branches when a bank customer expresses interest in a mortgage. When I receive such  
2 a call, I travel to meet with the client at whatever location the client wishes to meet.

3 6. On a busy day, I see about five clients. On a slower day, I see two or three  
4 clients. I do my own scheduling and make my own decisions regarding the number of clients I see  
5 each day and when and where I meet them. There are no requirements regarding the number of  
6 clients I have to see, and I do not have to report to my manager daily regarding the number of clients  
7 I have seen.

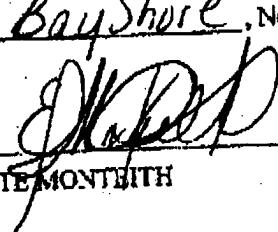
8 7. Once I meet with a client, I do the analysis of the client's financial situation  
9 and make the decision regarding the best products that I can offer him or her. HSBC Mortgage does  
10 not supervise me during this process, and I do not have to go to anyone on a different level to obtain  
11 approval before I offer mortgage products to a client.

12 8. Once I decide which products best fit a client's need, I describe to the client  
13 the range of mortgage products that I can offer him or her, explain why I think they fit his or her  
14 needs, clarify the documents and procedure, and help him or her to make a decision.

15 9. I spend more than half of my time traveling all over Brooklyn and Queens to  
16 meet with clients, including to the non-profit organizations that I work with and clients' places of  
17 business. Occasionally I meet with clients at one of two HSBC Bank Branches. I am not required to  
18 spend any set amount of time in the branches and do not go there more than two days a week. I  
19 make myself available to meet with clients at the location that is convenient for them.

20 I declare under penalty of perjury under the laws of the State of California and the  
21 laws of the United States of America that the foregoing declaration is true and correct to the best of  
22 my personal knowledge.

23 Executed this 18th day of January, 2008, in Bay Shore, New York.

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EVETTE MONTEITH

Lew, Loretta M.

**From:** ECF-NDCA  
**Sent:** Friday, January 18, 2008 9:21 PM  
**To:** efiling@cand.uscourts.gov  
**Subject:** Activity in Case 3:07-cv-02446-MMC Wong et al v. HSBC Mortgage Corporation (USA) et al Declaration in Support

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**Case Name:** Wong et al v. HSBC Mortgage Corporation (USA) et al  
**Case Number:** 3:07-cv-2446  
**Filer:** HSBC Mortgage Corporation (USA)  
HSBC Bank USA, N.A.

**Document Number:** 91

**Docket Text:**

**Declaration of Evette Monteith in Support of [78] Memorandum in Opposition,,, filed by HSBC Mortgage Corporation (USA), HSBC Bank USA, N.A.. (Related document(s)[78]) (Owens, Kimberly) (Filed on 1/18/2008)**

**3:07-cv-2446 Notice has been electronically mailed to:**

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